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GOVERNOR

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SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

Division of Drinking Water

June 29, 2015

Mr. Ernest Bellezza  
Garlic Country Golf, Inc.  
820 Las Animas Avenue  
Gilroy, CA 95020

Dear Mr. Bellezza:

**CITATION NO. 02-17-15C-021  
TOTAL COLIFORM RULE MAXIMUM CONTAMINANT LEVEL VIOLATION  
GARLIC COUNTRY GOLF, INC., WATER SYSTEM NO. 4300989**

Enclosed is a citation issued to the Garlic Country Golf, Inc. (hereafter, Water System or GCG). The citation is issued as the Water System failed to comply with Section 64424(a) and Section 64426.1(b)(1), Chapter 15, Title 22, California Code of Regulations (CCR). The total coliform maximum contaminant level was not met and repeat total coliform monitoring was not performed as required in May 2015.

The attached citation consists of three sections: Violation, Background, Directives, and Civil Penalties. The Violation and Background sections describe the events leading up to the issuance of the citation. The Directives section specifies what the Water System needs to do to return to compliance. The Civil Penalty section describes fees to be assessed for failure to comply with the citation. No civil penalty is levied with the current citation.

If you have any questions regarding this letter, please contact Jose P. Lozano IV, P.E. at (510) 620-3459 or me at (510) 620-3453.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Lacy".

Eric Lacy, P.E.  
District Engineer  
Santa Clara District  
Division of Drinking Water  
State Water Resources Control Board

Mr. Ernest Bellezza

- 2 -

June 29, 2015

Enclosures: 1) Sample Notice (Attachment A)  
2) Proof of Notification (Attachment B)

Certified Mail # 7007 1490 0001 6530 2399

cc: Santa Clara County Environmental Health Department (w/ encl.)

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2) Proof of Notification (Attachment B)

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cc: Santa Clara County Environmental Health Department (w/ encl.)

bcc: File Server; 4300989\Enforcement\May 2015 TCR MCL citation; Enforcement File; Chron  
(all w/ encl.)  
W4300989/150626.cit.ltr

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**STATE OF CALIFORNIA**  
**WATER RESOURCES CONTROL BOARD**  
**DIVISION OF DRINKING WATER**

**TO:** Garlic Country Golf, Inc.  
Water System No. 4300989  
820 Las Animas Avenue  
Gilroy, CA 95020

**ATTN:** Mr. Ernest Bellezza  
Garlic Country Golf, Inc.  
820 Las Animas Avenue  
Gilroy, CA 95020

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE 22,  
SECTION 64424(a) and SECTION 64426.1(b)(2) – WATER SYSTEM NO. 4300989**

**CITATION NO. 02-17-15C-021**

**Issued on June 29, 2015**

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.

The State Water Resources Control Board, acting by and through its Division of Drinking Water (hereinafter "Division" or "DDW") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues a citation to the Garlic Country Golf, Inc. (hereinafter,



1 "GCG" or "Water System") (mailing address: 820 Las Animas Avenue, Gilroy, CA 95020) for  
2 violation of California Code of Regulations (CCR), Title 22, Sections 64424 subsection (a)  
3 and 64426.1 subsection (b)(2).  
4

5  
6 **APPLICABLE AUTHORITIES**

7 **Section 116650 of California Health and Safety Code provides:**  
8

9 (a) If the department determines that a public water system is in violation of  
10 this chapter or any regulation, permit, standard, citation, or order issued or adopted  
11 thereunder, the department may issue a citation to the public water system. The citation shall  
12 be served upon the public water system personally or by certified mail. Service shall be  
13 deemed effective as of the date of personal service or the date of receipt of the certified mail.  
14 If a person to whom a citation is directed refuses to accept delivery of the certified mail, the  
15 date of service shall be deemed to be the date of mailing.

16 (b) Each citation shall be in writing and shall describe the nature of the  
17 violation or violations, including a reference to the statutory provision, standard, order,  
18 citation, permit, or regulation alleged to have been violated.

19 (c) A citation may specify a date for elimination or correction of the condition  
20 constituting the violation.

21 (d) A citation may include the assessment of a penalty as specified in  
22 subdivision (e).  
23

24 (e) The department may assess a penalty in an amount not to exceed one  
25 thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day  
26 that a violation continues to occur. A separate penalty may be assessed for each violation.  
27



1 California Code of Regulations, Title 22, Section 64424 subsection (a) provides, in  
2 relevant part:  
3

4  
5 A public water system, which normally collects one or fewer samples per month and which,  
6 upon being notified of a positive routine sampling result, is required to collect, within 24 hours  
7 of being notified of the positive result, a repeat sample set consisting of at least four samples  
8 (including one sample from the well source) for each total coliform-positive sample. The  
9 Water System is required to notify the Division, if it is unable to perform the sample collection  
10 or deliver the samples to the laboratory within the specified 24 hour time period. Failure to  
11 do so is a violation of Section 64424(a).  
12

13 California Code of Regulations, Title 22, Section 64426.1 subsection (b)(2) provides, in  
14 relevant part:  
15

16 A public water system, which collects less than 40 samples per month, is in violation of the  
17 Total Coliform Maximum Contaminant Level (MCL) when more than one sample collected  
18 during any month is total coliform-positive.  
19

#### 20 21 STATEMENT OF FACTS

22 GCG is a transient non-community (TNC) water system, located at 820 Las Animas Avenue  
23 in Gilroy, that serves domestic water to a golf driving range (dba Soney Bae Golf Center), a  
24 Pro Shop that sells packaged foods and golf accessories and has two restroom facilities.  
25 The golf driving range is irrigated, using a separate distribution piping system, with water  
26 produced from an irrigation well located at the edge of the property, approximately 325 feet  
27



1 southwest of Well 01. According to the domestic water system permit issued to GCG on July  
2 22, 2009, the water system serves approximately 30 persons on any given day. GCG's  
3 water system consists of a well (Well 01; Primary Station Code (PSC) No. 4300989-001), a  
4 119-gallon hydropneumatic pressure tank and a distribution system.

5  
6 Division records indicate that the water system does not have an approved bacteriological  
7 sample siting plan (BSSP). As a TNC water system, GCG is required to collect and have  
8 analyzed a minimum of one sample every three months for bacteriological quality from the  
9 distribution system. If a routine sample contains coliform bacteria, GCG is required to collect  
10 a repeat sample set consisting of four sample sites. In addition, in accordance with the  
11 Groundwater Rule, GCG is required to collect a triggered source monitoring sample if the  
12 routine sample contains coliform bacteria. This sample is in addition to the repeat samples  
13 collected in compliance with the Total Coliform Rule.

14  
15 On May 19, 2015, the Water System collected a routine sample, which tested "present" for  
16 total coliform and "absent" for E. coli. CCG collected one repeat sample from the distribution  
17 system, instead of the required four repeat samples, on May 26, 2015, which is beyond the  
18 24-hour grace period (after being notified of the positive result) specified in Section 64424  
19 (a), Title 22, CCR. The May 26, 2015 repeat sample tested "present" for total coliform and  
20 "absent" for E. coli. A follow-up bacteriological sample (which was reported as a repeat  
21 sample) was collected from the distribution system on June 1, 2015, which was absent for  
22 coliform bacteria. Based on these two May 2015 positive sampling results, the Water  
23 System violated the Total Coliform Rule (TCR) maximum contaminant level (MCL) and failed  
24 to collect and report the required number of repeat bacteriological samples in May 2015.  
25

26  
27 The Division, in a June 16, 2015 telephone discussion, informed Mr. Ernest Bellezza, GCG's



1 owner and water system operator, that based on the above results received on June 11,  
2 2015, that the Water System violated the Total Coliform Rule (TCR) maximum contaminant  
3 level (MCL) and failed to take and report the required number of repeat bacteriological  
4 samples in May 2015. In addition, GCG failed to collect the required number of repeat  
5 samples, including at least one sample from the well, within 24 hours of being notified of the  
6 positive result.

7  
8 The Division also informed Mr. Bellezza that the June 1, 2015 clean sample result would be  
9 credited as a routine sample for June 2015 and that GCG would need to collect four more  
10 bacteriological samples that month to comply with the Section 64424 (d) requirement to  
11 collect a minimum of five (5) routine samples the month following the collection of one or  
12 more total coliform-positive samples.

13  
14 Two bacteriological samples – one from Well 01 and one from the Pro Shop - were  
15 consequently collected on both June 22, 2015 and June 23, 2015. All four coliform samples  
16 were negative for coliform bacteria. The five clean samples collected in June 2015 indicate  
17 that the bacteriological contamination problem from May 2015 has been resolved.

18  
19 The Division received, for its review and approval, on June 25, 2015, the following  
20 documents faxed by Mr. Bellezza: 1) GCG proposed Total Coliform MCL – Resolved Notice;  
21 2) A preliminary Corrective Action Plan (CAP); and 3) A completed BSSP with a water  
22 system schematic.

23  
24  
25 The Water System needs to inform its customers about the bacteriological contamination  
26 problem, and that it has been resolved. Thus, GCG must perform public notification by  
27 posting a Division-approved Total Coliform MCL- Resolved Notice in conspicuous places





1 served by the Water System. A copy of the notice (Attachment A) approved by the Division  
2 on June 29, 2015 for notifying its users regarding the resolved bacteriological contamination  
3 problem is attached.  
4

5  
6 **DETERMINATION**

7 The Division has determined that GCG failed to comply with the Total Coliform MCL and  
8 failed to take and report the required number of repeat bacteriological samples during May  
9 2015. During May 2015, the Water System collected one routine sample and only one  
10 repeat sample, both of which were total coliform-positive and *E. coli*-negative.  
11

12 **DIRECTIVES**

13 GCG is hereby directed to take the following actions:  
14

- 15 1) Forthwith, GGC shall cease and desist from failing to comply with Subsections 64424 (a)  
16 and 64426.1 (b)(2), Chapter 15, Title 22, CCR immediately.  
17
- 18 2) GGC shall conduct public notification, using the Division-approved notice by July 16,  
19 2015 for the total coliform MCL violation in conformance with Section 64463.4, Chapter  
20 15, Title 22, CCR. The notification shall be performed by posting in conspicuous public  
21 places served by the water system.  
22
- 23 3) Complete and return the enclosed Proof of Notification form (Attachment B) within seven  
24 days of completion of the public notification. A copy of the notice(s) used shall be  
25 attached to the Proof of Notification form.  
26  
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1 4) Prepare a written Corrective Action Plan (CAP), based on your findings of the  
2 investigation of the bacteriological contamination problem, which describes the specific  
3 actions that will be taken by Water System personnel to prevent the reoccurrence of  
4 bacteriological contamination in the future and to ensure that future bacteriological  
5 sampling procedural violations will not occur. The plan shall include an evaluation of the  
6 causes that led to this incident, the follow-up actions taken to correct the problem, and  
7 preventive measures to be taken to prevent the reoccurrence of similar water quality,  
8 monitoring and reporting failures in the future (e.g., the hiring of a certified distribution  
9 system operator to operate and maintain the water system). Submit the report to the  
10 Department by July 16, 2015.

11  
12 The Division reserves the right to make such modifications to this Citation as it may deem  
13 necessary to protect public health and safety. Such modifications may be issued as  
14 amendments to this Citation, and shall be deemed effective upon issuance.

15  
16 Nothing in this Citation relieves GCG of its obligation to meet the requirements of the  
17 California Safe Drinking Water Act, or of any regulation, permit, standard, or order issued or  
18 adopted thereunder.

19  
20  
21 All submittals required by this Citation shall be submitted to the Division at the following  
22 address:  
23

24  
25 Mr. Eric Lacy, P.E., District Engineer  
26 Santa Clara District  
27 Division of Drinking Water  
State Water Resources Control Board  
850 Marina Bay Parkway, Building P, Second Floor  
Richmond, CA 94804



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**PARTIES BOUND**

This Citation shall apply to and be binding upon GCG, its officers, directors, shareholders, agents, employees, contractors, successors, and assignees.

**SEVERABILITY**

The Directives of this Citation are severable, and GCG shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

**FURTHER ENFORCEMENT ACTION**

The California SDWA authorizes the Division to: issue citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any permit, regulation, permit or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the Division to take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with an order of the Division; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with violates an order of the Division. The Division does not waive any further enforcement action by issuance of this citation.

June 29, 2015  
Date

Eric Lacy  
Eric Lacy, P.E.  
District Engineer  
Santa Clara District  
Division of Drinking Water  
State Water Resources Control Board



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Attachments

CERTIFIED MAIL # 7007 1490 0001 6530 2399

cc: Santa Clara County Environmental Health Department (w/ attachments)



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CERTIFIED MAIL # 7007 1490 0001 6530 2399

cc: Santa Clara County Environmental Health Department (w/ attachments)

bcc: File Server; 4300989\Enforcement\May 2015 TCR MCL citation; Enforcement File;  
Chron (all w/ attachments)  
W4300989/150625.Cit



## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

### Garlic Country Golf, Inc. Has Levels of Coliform Bacteria Above the Drinking Water Standard

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

We routinely monitor for drinking water contaminants. We took two (2) samples to test for the presence of coliform bacteria during May 2015. The two samples collected in May 2015 showed the presence of total coliform bacteria. The standard is that no more than 1 sample per month may do so.

#### What should I do?

- **You do not need to boil your water or take other corrective actions.**
- This is not an emergency. If it had been, you would have been notified immediately. Total coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.*
- Usually, coliforms are a sign that there could be a problem with the system's treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. **We did not find any of these bacteria in our subsequent testing, and further testing shows that this problem has been resolved.**
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from U.S. EPA's Safe Drinking Water Hotline at 1(800) 426-4791.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

### **What happened? What was done?**

Two total coliform-positive and *E.coli*-negative bacteriological samples were collected on May 16 and 26, 2015, respectively. Garlic Country Golf, Inc. (GCC) conducted follow-up routine bacteriological sampling in June 2015 by collecting one sample on June 1, two samples on June 22 and finally two samples on June 23. All five samples collected in June 2015 were negative for coliforms.

According to GCC, the most likely cause of the positive samples collected in May 2015 was the use of improper sampling procedures during sample collection.

GCC also submitted a proposed bacteriological sample siting plan to the Division of Drinking Water for its review and approval.

To prevent the reoccurrence of bacteriological contamination and the monitoring and reporting failures in the future, GCC will sample for bacteriological quality in the distribution system in accordance with an approved sampling plan and ensure that the proper sampling procedures during sample collection are always observed by the sampler.

For more information, please contact Ernie Bellezza at (408) 842-5513 or 820 Las Animas Avenue, Gilroy, CA 95020.

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.*

This notice is being sent to you by Garlic Country Golf, Inc.

State Water System ID#: 4300989. Date distributed: \_\_\_\_\_

## PROOF OF NOTIFICATION

Garlic Country Club, Inc.  
System Number: 4300989

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by the Garlic Country Club, Inc. (GCG) of the violations of Title 22, California Code of Regulations (CCR) for the compliance period of May 2015. I complied with the directives of this citation as indicated below:

Required Action

Date  
Completed

Conduct Public Notification – (Attach copy of the notice(s) used.)

Submit Corrective Action Plan

|  |
|--|
|  |
|  |

\_\_\_\_\_  
Signature of Water System Representative

\_\_\_\_\_  
Date

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE SWRCB DIVISION OF DRINKING WATER. A COPY OF THE POSTED NOTICE MUST BE ATTACHED TO THIS FORM.**

**Disclosure:** Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached citation may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.